

CRIMINAL DIVISION

In Phoenix, the Criminal Division has four sections: Violent Crime and Anti-Terrorism, White Collar Crime, Organized Crime Drug Enforcement Task Force (drug crimes) and Asset Forfeiture and Immigration, Firearms and Identity Theft. In Tucson, the Criminal Division has two sections: Organized Crime Drug Enforcement Task Force (drug crimes) and Violent Crimes and the Border Crimes Section. Assistant U.S. Attorneys (AUSAs) in the Phoenix Violent Crime and Anti-Terrorism Group, and in the Tucson Violent Crime Group are responsible for prosecuting crimes pursuant to the Major Crimes Act, the Assimilative Crimes Statue and the Federal Juvenile Delinquency Act arising in Indian Country. In addition, the Flagstaff Branch of the United States Attorney's Office acts as a charging unit for federal crimes arising on five Northern Arizona counties (Mohave, Yavapai, Coconino, Navajo and Apache) and the respective Indian Country. The remaining groups handled various other offenses (drug trafficking, embezzlement, firearms offenses) pursuant to the federal criminal code, some of which arise in Indian Country.

The cases listed below represent the cases routinely handled by the individual AUSAs. Where a sentence is noted, the sentence is governed by the federal sentencing guidelines established by the United States Sentencing Commission. The Commission is an independent agency of the judicial branch responsible for establishing sentencing policies for the federal judiciary nationwide. The sentence imposed stems from an "offense level" assigned to the particular crime and the defendant's prior criminal history along with specific offense characteristics of the crime committed.

MURDER

UNITED STATES v. LEZMOND MITCHELL

Death

Charges: First Degree Murder

Lezmond Mitchell, age 21, was convicted by a federal jury of 11 felony counts arising out of a crime spree that included a trading-post robbery and kidnapping. Defense attorneys unsuccessfully argued that Mitchell was more of a passive observer than a participant, and that Johnnie Orsinger, was the killer. The evidence at trial showed that the 63 year-old victim and her 9 year-old granddaughter were driving to New Mexico to see a medicine man when the defendants carjacked them. The victims were beaten, stabbed dozens of times and beheaded with an ax. The bodies were then buried in a shallow grave. Following the jury's guilty verdict, a sentencing hearing was conducted and evidence presented to the jury, including a



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letter from the Navajo Nation Department of Justice requesting that the death penalty not be imposed because capital punishment violates Navajo tribal custom and culture. Nevertheless, the jury unanimously agreed that the defendant should be sentenced to death and the court ordered the death penalty to be imposed. Orsinger, who is awaiting trial, is not eligible for capital punishment because he was not yet 18 when the crimes occurred.

UNITED STATES v. AARONRAY MIGUEL

Life

UNITED STATES v. DORIAN BROWN

235 Months

Charge: Second Degree Murder

On October 31, 2000, Aaronray James Miguel and Dorian Brown murdered a 54 year-old male on the Gila River Indian Reservation. While at a Halloween party, the victim was lured outside, severely beaten, then dragged to another location where his legs were bound by a rope. He was then tied to a horse and dragged several hundred feet to his eventual grave site. A hole was dug before defendant Miguel repeatedly struck the victim about the face and neck with a shovel. October 2, 2002, Miguel was found guilty by a jury of Second Degree Murder. The defendant's sentence was enhanced since the jury made a specific finding that the crime was motivated, at least in substantial part, because of the victim's perceived sexual orientation. In addition to the jury's specific finding, Miguel received a number of sentencing enhancements including physical restraint of the victim, obstruction of justice for threatening two witnesses to the crime and instructing a juvenile male to get the horse. Miguel was found to be a career criminal since he had two prior violent felony convictions. Defendant Dorian Brown entered a plea of guilty to Second Degree Murder and was sentenced to 235 months in federal custody. The investigation leading to the guilty verdict was conducted by the Gila River Indian Community Police Department and the Federal Bureau of Investigation.

UNITED STATES v. GREGORY NAKAI,

7 Consecutive Life

JOHNNIE ORSINGER, DENNIE LEAL

Various

AND JIMMY NAKAI

Charge: First Degree Murder

On December 19, 2002, a federal jury returned guilty verdicts against Nakai and Orsinger for the car jacking and murders of two male victims on August 18, 2001 near Tsaile, Arizona. The defendants were convicted of two counts of first degree murder, two counts of first degree felony (kidnap) murder, and one count of first degree felony (robbery) murder and nine counts of using a firearm during crimes of violence. The evidence at trial showed that Nakai, Orsinger, and others carjacked the victims while they were at Round Rock Lake, Arizona on the Navajo Indian Reservation. They assaulted the passenger, bound and continuously assaulted the victims who were then loaded into the rear of the truck and



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driven to an area north of Tsaile. The victims were removed from the truck and as they lay on the ground, bound by electrical cord, each defendant shot one of the victims. The group then covered the bodies with brush and set them afire. The group drove the truck away and eventually hid it in the trees near Round Rock Lake where it was found by police the next day. The case remained unsolved until the FBI received a phone call in early November of 2001 from a source who provided information about the assailants. After tribal arrests, Nakai admitted that he shot one victim and Orsinger confessed that he shot one victim. On August 25th defendant Nakai was sentenced to seven consecutive mandatory life imprisonment terms. Additionally, co-defendant Teddy Orsinger received a 71 month term of imprisonment. Dennie Leal received a 360 month term of imprisonment and Jimmy Nakai is pending sentencing. Each of these co-defendants previously plead guilty to their roles in the car jacking. The murder investigation was led by the Navajo Division of Public Safety, Department of Criminal Investigations and the Federal Bureau of Investigation.

UNITED STATES v. MICHAEL ANITA AND DALE KITSO

*Life
240 Months*

Charge: Carjacking Resulting in Death

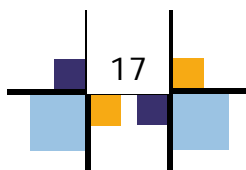
On June 8, 2000, the defendants abducted and murdered the victim, a cab driver for the J&M cab company in Casa Grande, Arizona. The victim's body was left in a cotton field on the Tohono O'odham Reservation near Cocklebur. It was not found until his skull was located in the field in October, 2000. In September, 2000, the defendants were indicted for car jacking resulting in death in violation of 18 U.S.C. § 2119. Defendant Kisto pled guilty and was sentenced to 20 years in prison on February 6, 2002. Defendant Anita proceeded to trial and was convicted by a jury on May 17, 2002. On October 13, 2002, defendant Anita was sentenced to life in prison. The investigation was conducted by the Tohono O'odham Nation Police and the Federal Bureau of Investigation.

UNITED STATES v. ELVIRA CHARLEY

Pending

Charge: First Degree Murder

On January 17, 2003, 33 year-old Elvira Charley was found guilty by a federal jury for killing three of her six children. The children were found lying in bed with gun shot wounds to their heads. The jury convicted Charley of three counts of First Degree Murder and three counts of Use of a Firearm During and In Relation to a Crime of Violence. The evidence at trial showed that on January 1, 2002, at her home on the Navajo Reservation, Charley used a rifle, that she took out of a pawnshop days before, to shoot and kill her eleven and eight year-old daughters as they slept. She then shot her eleven year-old son three times before killing him. Charley then left her surviving children (ages 8 months, 16 months, and 5 years) alone in the home for over two hours with the dead children. Hours after killing her





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children, and before calling the police, Charley called her estranged husband and told him that she had killed their children. Prior to trial Charley repeatedly admitted to killing her children. At trial, however, she told the jury that her five year-old son killed the three children. Charley is currently awaiting sentencing. The investigation was conducted by the Navajo Division of Public Safety and the Federal Bureau of Investigation.

UNITED STATES v. STAFFORD WOODY

Pending Sentencing

Charge: First Degree Murder

The defendant was charged with First Degree Murder of the victim. Both defendant and victim were together along with a juvenile female. They began to fight over marijuana. The victim could not defend himself due to his state and was eventually beaten about the head by defendant and left in the desert around Pinon, Arizona, where he eventually died from his injuries. The defendant entered a guilty plea to Voluntary Manslaughter. He is awaiting sentencing.

UNITED STATES v. MYRON BEGAY, LOTHERIO HARVEY, ROLAND LITTLEBEN, JUVENILE MALE 1 AND JUVENILE MALE 2

Various

Charges: First Degree Murder; Accessory After the Fact to First Degree Murder and Juvenile Delinquency

On July 12, 2002 the victim was driving his truck accompanied by defendants Harvey and Juvenile Male 1. The group got stuck in the sand near Rock Point on the Navajo Indian Reservation. Harvey and Juvenile Male 1 left to get help from Begay, Littleben and Juvenile Male 2, who lived nearby. Juvenile Male 1 told the group that the victim was his enemy and that he was going to kill him. The group arrived with a pool cue and two shovels and attacked the victim. The victim was hit over 30 times with the shovel and dragged off to the side of the road where they dug a burial hole. Juvenile Male 1 stabbed the victim several times and Juvenile Male 2 stabbed the victim twice. Thereafter, the defendant's buried the victim, who died as a result of his injuries. Harvey and Juvenile Male 1 drove the victim's truck to Dennehotso and the others drove off to a water hole where they washed off the shovels. Juvenile Male 1 pled guilty to Juvenile Delinquency and was remanded to federal custody until age 21 and ordered to pay restitution in the amount of \$6,005.; Juvenile Male 2 pled guilty to Juvenile Delinquency and was remanded to federal custody until age 21; Harvey pled guilty to Accessory After the Fact to First Degree Murder and was sentenced to 87 months in federal custody; Begay pled guilty to Second Degree Murder and was sentenced to 121 months in federal custody; Littleben pled guilty to Accessory After the Fact to Second Degree Murder and was sentenced to 51 months in federal custody. Juvenile Male 2, Harvey, Begay, and Littleben were each ordered to pay restitution (joint and several) in the



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amount of \$7,208.00. The investigation was conducted by the Navajo Department of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. DANSKI TORTICE

135 Months

Charge: Second Degree Murder

On or about August 13, 2001, Danski Li Tortice and the victim were drinking and talking about setting fires for fun when they were younger. Tortice claimed that the victim accused Tortice of burning down the victim's house. They continued to argue and the victim began to push the defendant. According to the defendant, the victim continued calling him names. The defendant, who was carrying a knife, swung the knife toward the victim and sliced his neck. The defendant seeing that the victim was seriously hurt ran off into the mountains. The victim died as a result of this injury. The defendant pled guilty to second degree murder. On June 2, 2003, he was sentenced to 135 months of imprisonment. The sentence is to run consecutively to his 12 years state sentence for two residential burglaries committed in Snowflake, Arizona. Tortice was on escape status at the time of the murder from burglary felony charges in Navajo County. Upon release from federal custody he is ordered to serve a five year term of supervised release under the supervision of the United States Probation Office. The investigation was conducted by White Mountain Apache Tribal Police Department, the Fort Apache Agency of the Bureau of Indian Affairs Office of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. ALVIN NANTY

168 Months

UNITED STATES v. ERNESTO FRANCISCO

156 Months

Charge: Second Degree Murder

On October 25, 2001, Alvin Nanty, spent part of the day drinking beer with co-defendant Ernesto Francisco and others on the San Carlos Apache Indian Reservation. The victim drove up and confronted one member of the group. The victim began to chase the person he was confronting and the two defendants began to chase the victim. The victim fled the scene. Later that day, Nanty, Francisco and others began to drive around looking for the victim. They found him and started an argument. Nanty and Francisco got out of their car and pulled out knives. Nanty began to stab the victim in the face. Nanty and Francisco stabbed the victim in the head, right arm and chest. The victim died from his injuries. Both defendants pled guilty to Second Degree Murder and received upward departures under the Sentencing Guidelines. Nanty was sentenced to serve 168 months in federal custody and Francisco was sentenced to serve 156 months in federal custody. Both defendants were ordered to pay \$4,505 in restitution. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services, the Federal Bureau of Investigation, the San Carlos Apache Tribal Police Department and the Arizona Department of Public Safety.



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UNITED STATES v. GILBERT GONZALEZ

Pending Sentencing

Charges: Second Degree Murder and 924(c)

Defendant Gilbert Gonzalez and two accomplices kidnapped the victim because the victim allegedly owed the defendant drug money. After the group kidnapped the victim, the defendant shot the victim in the back several times. The group then took the victim out to an area of the desert where they shot him in the head prior to burying him. The defendant pled guilty to Second Degree Murder and 924(c), Use of a Firearm in a Crime of Violence, and is pending sentencing. The investigation was conducted by the Gila River Police Department and the Federal Bureau of Investigation.

UNITED STATES v. IRIS RAPHAEL

78 Months

Charge: Second Degree Murder

The 20-year-old defendant was with her cousin and others drinking alcohol, when she became involved in an argument with the victim, an adult male. She physically assaulted him with her fists. Her cousin became involved and stabbed the victim several times in the back. The victim tried to flee but the defendant ran after him and stabbed him in the back several other times. The victim died as a result of receiving approximately 53 stab wounds. The defendant pled guilty to Second Degree Murder and was sentenced to 78 months in prison. Defendant Raphael's cousin, 18 year-old Randall Narcia was charged with Second Degree Murder and is currently pending trial. The investigation was conducted by the Gila River Police Department and the Federal Bureau of Investigation.

UNITED STATES v. RITZ WILLIAMS

192 Months

Charges: Second Degree Murder and 924(c)

Defendant Williams shot a juvenile victim when the two became involved in an argument. The defendant pled guilty to Second Degree Murder and 924(c), Use of a Firearm in a Crime of Violence. The defendant was sentenced to 192 months prison and five years supervised release. The investigation was conducted by the Gila River Police Department and the Federal Bureau of Investigation.

UNITED STATES v. DELMER AUGUSTINE VAVAGES

300 months

Charge: Second Degree Murder

The 9 month-old victim was a ward of the Indian community and as such, was placed in the home of the defendant and his girlfriend. The defendant became angry when the victim would not stop crying. He shook and choked her and repeatedly threw her onto a bed. She lost consciousness and the defendant placed her in her crib. The victim died as a result



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of blunt force trauma. The defendant pled guilty to Second Degree Murder and was sentenced to 300 months in prison followed by five years on supervised release. The investigation was conducted by the Gila River Police Department.

UNITED STATES v. MANFORD PARLEY

150 Months

Charge: Aiding and Abetting Second Degree Murder

On October 22, 1999, in the Village of Little Tucson on the Tohono O'odham Indian Nation, the 46-year-old victim approached Parley and his cousin and offered to pay them for a ride to Phoenix. Parley and his cousin agreed, and the three individuals began to walk into the desert. Parley and his cousin turned on the victim and attacked him. Parley threw him to the ground and covered his mouth with a handkerchief so that no one could hear his screams. The cousin struck the victim repeatedly about the face and neck with a large rock. While the victim was unconscious and having trouble breathing, the two searched the victim's body for money. Being helped by a third individual, they moved and partially buried the body. Eventually, the tribal police discovered the victim with the assistance of the third individual. An autopsy revealed that the victim died of blunt force trauma. Parley was initially charged with First Degree Murder, Aiding and Abetting, and Accessory After the Fact. He pled guilty to Aiding and Abetting Second Degree Murder and was sentenced to 12-1/2 years in federal custody on December 19, 2002. The investigation was conducted by the Tohono O'odham Indian Reservation Tribal Police Department and the Federal Bureau of Investigation.

MANSLAUGHTER

UNITED STATES v. NATHANIEL JAMES GARCIA

46 months

Charge: Voluntary Manslaughter

The defendant was at a friend's house drinking with the victim and two other men on the Tohono O'odham Indian Reservation. The defendant's brother was dropped off at the house at around 11:00 p.m. The victim and the defendant's brother began to exchange words and started fighting. The fight moved to the side of the house behind a carport where no one at the party could see them. One of the people at the gathering was knocked down during the struggle and split open his knee that had just been operated on. This distracted everyone at the party. During this time, the defendant walked over to where the victim and his brother were fighting and saw that the victim was beating his brother. The defendant fired his gun towards the victim to "scare" him. The victim was shot on the side and fell over. The defendant and his brother ran in to the desert. As the defendant was running away he threw the gun in some bushes. The defendant was found two days later and admitted that he fired the gun towards the victim to help his brother. He took the agents to the area where



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he dropped the gun. The defendant plead guilty to voluntary manslaughter and was sentenced to 46 months in the Bureau of Prisons. The investigation was conducted by the Tohono O'odham Nation Police and the Federal Bureau of Investigation.

UNITED STATES v. ERNEST ZAHONY

40 Months

Charge: Involuntary Manslaughter

In November 2001, Ernest Zahony was driving eastbound on Highway 160 near the Old Red Lake Trading Post on the Navajo Indian Reservation. He crossed the center line and struck a family headed westbound and on their way to a late Thanksgiving dinner. The victim/driver was pinned behind the steering wheel and later died as a result of her injuries. Five other occupants, including children, received serious injuries. The defendant walked away from the scene and was found about a mile away. The defendant admitted to drinking all night and into the morning. At the time of the crash, he is estimated to have had a .252 blood alcohol level. The court, applying an upward departure, sentenced the defendant to 40 months in custody. The investigation was conducted by the Navajo Department of Law Enforcement.

UNITED STATES V. WINIFRED DOSELA

46 Months

Charge: Voluntary Manslaughter

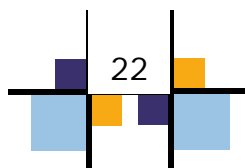
On August 21, 2002, the defendant, Winifred Dosela, and the victim were drinking together at their home on the San Carlos Apache Indian Reservation. The two started to argue. During the argument, the defendant went into the kitchen and got a knife to protect herself. The defendant and the victim struggled and the defendant stabbed the victim in the chest with the knife. After the stabbing, the defendant called for help, stayed with the victim and applied first aid. The defendant pled guilty to voluntary manslaughter, was sentenced to serve 46 months in federal custody, and ordered to pay \$2,500 in restitution and perform 200 hours of community service. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services, Federal Bureau of Investigation and the San Carlos Apache Tribal Police Department.

UNITED STATES v. ZACHARY GUERRERO

37 Months

Charge: Involuntary Manslaughter

Defendant Guerrero plead guilty to Involuntary Manslaughter charges. Guerrero drove his car at a high rate of speed and failed to stop for a posted stop sign. As a result, his car collided with another car occupied by two individuals. The car was being lawfully driven on the roadway within the Salt River Pima-Maricopa Indian Community. The collision resulted in the deaths of the two occupants of the car. Guerrero was sentenced to concurrent terms of 37 months imprisonment followed by 3 years on supervised release. The investigation was conducted by the Salt River Pima-Maricopa Police Department.





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UNITED STATES v. CRYSTAL JEAN NOSIE

24 Months

Charges: Involuntary Vehicular Manslaughter (3 Counts)

On September 17, 1999, the defendant was driving without a license on the San Carlos Apache Indian Reservation and attempted to pass another car. At the point of the collision, the defendant's vehicle was traveling on the wrong side of a solid yellow line against oncoming traffic. The defendant was unable to safely return to her proper lane and collided with a car in the oncoming lane. At the time of the crash, defendant was under the influence of alcohol with metabolites of marijuana and cocaine in her body. The defendant admitted that her reckless operation of the vehicle caused the collision and the death of three of her passengers. The defendant pled guilty to three counts of involuntary manslaughter, was sentenced to serve 24 months in federal custody, ordered to pay \$46,947.44 in restitution and perform 200 hours of community service. The investigation was conducted by the San Carlos Apache Tribal Police Department and the Bureau of Indian Affairs Office of Law Enforcement Services.

ASSAULT

UNITED STATES v. VICTOR BRACAMONTE

108 Months

Charge: Attempted Murder and Assault

On the night of April 22, 2002, two Pascua Yaqui police officers responded to a domestic disturbance call on the Pascua Yaqui Indian Reservation. When they arrived, Victor Bracamonte came out of the house and attacked one officer with a curved cutting tool commonly used to cut down grass. The officer sustained two large lacerations on his left arm that went down to the bone. He suffered permanent injuries as a result of the assault. Another officer also responded to the scene. He and the other officers were able to subdue the defendant in the front yard. During the arrest, however, the defendant hit another officer in the back with the cutting tool. The defendant was arrested and charged with multiple counts of assault and attempted murder. Bracamonte pled guilty to two counts of assault with intent to commit murder on March 20, 2003. On July 14, 2003, he was sentenced to 108 months in federal custody. The investigation in this case was conducted by the Pascua Yaqui Police Department.

UNITED STATES v. MARCUS MONTALVO

71 months

Charge: Assault Resulting in Serious Bodily Injury

Marcus Montalvo, 21, entered a guilty plea to assault resulting in serious bodily injury in connection with a shooting that occurred at the Conoco Station in Ft. Defiance, Ari-



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zona. On August 13, 2003, Montalvo fired a shot at a nearby car which shattered the rear window of the car and lodged in the driver's back. Doctors were unable to surgically remove the bullet from the victim. After wounding the victim, Montalvo fled in a stolen car and lead officers on a high speed chase until his car crashed behind a home. On March 31, 2003, Montalvo was sentenced to 71 months imprisonment. The investigation was conducted by the Federal Bureau of Investigation.

UNITED STATES v. BROCK JAMES

108 Months

Charges: Assault with Intent to Commit Murder;
Assault Resulting in Serious Bodily Injury

On March 31, 2001, the Navajo Department of Public Safety received a call from a cashier at the Chinle, Mustang Store reporting "a gang fight" in progress. When officers arrived they found the victim lying injured on the asphalt. Evidence showed that when the victim and two friends exited the store they were surrounded by approximately ten individuals wielding sticks, pipes and baseball bats. Interviews with several witnesses indicated that the victim and his friends had no weapons. The defendant was identified as the person who beat the victim about the head and body repeatedly with a baseball bat. The defendant claimed he was defending himself and that he ran off with the bat after striking the man who had attacked him, and that he threw the bat away. The defendant was treated for head injuries. A witness to the fight made a videotape of the fight. The videotape shows the victim lying defenseless on the ground while being struck multiple times by the defendant. The defendant is seen running away from the scene with the bat in his hand. The victim underwent several surgeries for the head injuries inflicted upon him. He has permanent neurological defects. The defendant was originally charged with Juvenile Delinquency (Assault with Intent to Commit Murder and Assault resulting in Serious Bodily Injury) however, he agreed to plead guilty to the charges as an adult. His sentence is pending. The investigation was conducted by the Navajo Department of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. RANDALL KIRK REDHAIR

120 Months

Charge: Juvenile Delinquency: Assault with a Dangerous Weapon
Juvenile in Possession of a handgun

In the late evening hours of February 20, 2000, defendant Redhair and two others were walking down the street toward the residence of the victim. As he approached the victim's home he observed the victim standing on his front porch, just outside of the front door. The defendant asked the victim, "What's up? Do you want to get sprayed?" He then fired a pistol several times at the victim. The victim's brother was standing behind him just inside the front door. Two of the bullets struck the victim's father's truck, which was parked in the carport next to the front porch of the residence. The defendant admitted shooting at the vic-



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tim. He stated he purchased the pistol and ammunition sometime prior to the shooting from a male at Arrowhead Mall in Phoenix, Arizona but later sold the weapon in New Mexico. The defendant was sentenced to ten years in prison and a supervised release term of five years. He was also under investigation for Assault with Intent to Commit Murder, Assault with a Dangerous Weapon, and 924 (c), with regard to the shooting of another victim in a separate incident. He was charged, as an adult, for threatening and beating up a witness to that shooting. He waived Indictment and pleaded guilty to the Firearms charge. The investigation was conducted by the Navajo Department of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. SAMUEL TALASHOMA

134 months

Charges: Assault with A Dangerous Weapon
Use of a firearm in a Crime of Violence

On September 29, 2001, while under supervised probation in the Juvenile Court, the defendant went on a shooting spree on the Hopi Reservation (Village of Moencopi). The defendant shot at eight people, including police officers who were trying to apprehend him. The defendant was apprehended by two police officers and at the time of his arrest, the defendant was discovered to have a .22 caliber rifle concealed under his body. During a search, the defendant was found to have four .22 caliber bullets in his right-front pocket, and approximately 30 other rounds of ammunition on his person. The police officer noticed that the defendant had an odor of alcohol about him. The defendant was originally charged with Juvenile Delinquency (eight counts of Assault with Intent to Commit Murder, eight Counts of Assault with a Dangerous Weapon, and one count of 924(c)). He pleaded guilty, as an adult, to one count of Assault with a Dangerous Weapon, and the 924 (c) charge. He received a sentence of 14 months on the Assault with a Dangerous Weapon charge, and a consecutive sentence of 120 months for the 924 (c) charge, for a total sentence of 134 months, and 36 months supervised release. The investigation was conducted by the Navajo Department of Law Enforcement and the Bureau of Indian Affairs Office of Law Enforcement.

UNITED STATES v. FRANK MORENO CORDOVA

36 months

Charge: Assault with a Dangerous Weapon

Frank Moreno Cordova, 47, plead guilty to assaulting his wife by stabbing her with the shaft of a golf club at their home in Peach Springs, Arizona. The golf club perforated the victim's stomach and injured her liver and spleen. The victim did not cooperate with the prosecution. As a result, Cordova received a significantly reduced sentence of imprisonment. On April 17, 2003, Cordova was sentenced to 36 months in prison and ordered to pay \$291,344.14 in restitution for medical expenses incurred by the victim. The investigation was conducted by the Federal Bureau of Investigation.



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UNITED STATES v. ARNOLD ACKERMAN

57 Months

Charge: Assault with a Dangerous Weapon

On April 28, 2002, the defendant, who was drinking with the victim in Sells, Arizona, stabbed the victim six times in the side and back with a knife. The victim almost died of his injuries and had to be transported to a Tucson hospital. The defendant was indicted for assault with a dangerous weapon and attempted murder on August 14, 2002. The defendant plead guilty to the indictment and was sentenced to 57 months imprisonment on July 7, 2003. The investigation was conducted by the Tohono O'odham Nation Police and the Federal Bureau of Investigation.

UNITED STATES v. LARRY PABLO

33 Months

Charge: Assault with a Dangerous Weapon

On September 28, 2001, the defendant became angry with the victim while they both attended a party in Anegam Village on the Tohono O'odham Reservation. The defendant, who was intoxicated, stabbed the victim in the arm and neck with a knife. The victim had to receive emergency treatment in a Tucson hospital for her injuries. On August 14, 2002, the defendant was indicted for assault with a deadly weapon. He pled guilty to the charge and was sentenced to 33 months in prison on May 19, 2003. The investigation was conducted by the Tohono O'odham Nation Police and the Federal Bureau of Investigation.

UNITED STATES v. JUVENILE MALE

15 Months

Charge: Juvenile Delinquency (Armed Robbery)

On February 14, 2002, the defendant, a 17 year old male, approached the driver of an ice cream truck on the Tohono O'odham Reservation. The defendant brandished a pistol and forced the driver/victim to give the defendant all of his money. The defendant then fled the area. On June 5, 2002, the U.S. Attorney filed an Information against the defendant alleging that he had committed an act of juvenile delinquency (armed robbery). The defendant accepted a plea agreement and was sentenced to 15 months in prison on January 10, 2003. The investigation was conducted by the Tohono O'odham Nation Police and the Federal Bureau of Investigation.

UNITED STATES v. BRENNAN THOMAS

46 Months

Charge: Aggravated Assault

On April 20, 2001, the defendant attended a party in North Komelic Village on the Tohono O'odham Reservation. He became angry at the victim and shot him in the arm with a .22 cal. rifle. The bullet damaged the brachial artery in the victim's left arm and required surgery.



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The defendant was indicted by a federal grand jury on October 18, 2001, for aggravated assault. He pled guilty to the indictment and was sentenced to 46 months in prison on August 12, 2002. The investigation was conducted by the Tohono O'odham Nation Police and the Federal Bureau of Investigation.

UNITED STATES v. TONY MACIAS

120 Months

Charge: Assault on a Federal Officer

Macias plead guilty to assaulting a Salt River Police Department Officer who was crossed-deputized as a federal officer with the BIA, while the officer was engaged in the performance of official duties. Macias was sentenced to 120 months imprisonment and five years supervised release. The investigation was conducted by the Salt River Pima-Maricopa Police Department.

UNITED STATES v. CALVIN LEWIS

41 Months

Charge: Assault with a Dangerous Weapon

Lewis plead guilty to assaulting a Salt River Pima-Maricopa Indian Community member with a dangerous weapon. Lewis was sentenced to 41 months imprisonment and 3 years supervised release. The investigation was conducted by the Salt River Police Department. The investigation was conducted by the Salt-River Pima-Maricopa Police Department.

ABUSIVE SEXUAL OFFENSES

UNITED STATES v. DONOVAN BELONE

360 Months

Charges: Aggravated Sexual Abuse and Sexual Abuse of a Minor

On September 23, 2002, Donovan Ray Belone, 26, of Tolani Lake, Arizona, was sentenced to 360 months in federal custody following a conviction for six counts of aggravated sexual abuse and three counts of sexual abuse of a minor. The defendant was found guilty of molesting four minor children over the course of six years. The Prescott jury found him guilty of all nine counts charged, all occurring on the Navajo Indian Reservation. Belone received the statutory maximum of 15 years on the three counts of sexual abuse of a minor, and 360 months on the six counts of aggravated sexual abuse. All sentences are to run concurrently. Belone was also sentenced to five years of supervised release upon release from prison. The investigation in this case was conducted by the Navajo Nation Department of Law Enforcement and the Federal Bureau of Investigation.



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UNITED STATES v. HENRY SAUNDERS

135 Months

Charge: Aggravated Sexual Abuse of a Child

On April 10, 2003, Henry Saunders, of Sweetwater, Arizona, was found guilty of three counts of Aggravated Sexual Abuse of a Child, by a federal jury. The evidence at trial showed that on multiple occasions, the defendant sexually abused an 11-year-old child. At the time of the abuse, the defendant was serving as pastor at the Sweetwater Church of God. During the trial, the defendant testified that the criminal investigator in the case fabricated a written statement containing a partial confession to the crimes. On June 25, 2003 the defendant was sentenced to serve 11 years in federal custody. The investigation leading to the guilty verdict was conducted the Navajo Nation Department of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. TOM CADDO, SR.

60 months

Charge: Aggravated Sexual Abuse

Tom Caddo, Sr., of Cibeqe, Arizona, entered a plea of guilty on October 25, 2002, to aggravated sexual abuse of a minor child. On January 14, 2003, he was sentenced to 60 months in federal custody to be followed by five years of supervised release. The investigation in this case was conducted jointly by the Bureau of Indian Affairs Office of Law Enforcement Services and the Federal Bureau of Investigation.

UNITED STATES v. MARK PINAL

78 months

Charge: Aggravated Sexual Abuse

Mark Pinal of Whiteriver, Arizona, entered a plea of guilty on October 8, 2002, to aggravated sexual abuse. On December 23, 2002, he was sentenced to 78 months in federal custody to be followed by five years of supervised release. The investigation in this case was conducted jointly by the Bureau of Indian Affairs Office of Law Enforcement Services and the Federal Bureau of Investigation.

UNITED STATES v. JUVENILE

60 Months Probation

Charge: Aggravated Sexual Abuse (Juvenile Delinquency)

The juvenile engaged in a sexual act with a minor under 12. He admitted the offense and was sentenced to 60 months probation with sex offender conditions. The defendant was also placed in a residential treatment facility where he will receive sex offender treatment. The investigation in this case was handled by the Federal Bureau of Investigation.



CRIMINAL DIVISION

UNITED STATES v. TULLY DESMOND

18 months

Charge: Sexual Abuse of a Minor

The defendant entered a plea of guilty to sexual abuse of a minor on November 15, 2002. The defendant admitted he engaged in a sexual act with the victim who was under 16. On January 24, 2003, the defendant was sentenced to 18 months in federal custody and three years supervised release. The investigation was handled by the Navajo Nation Department of Public Safety.

UNITED STATES v. LEROY AMI

27 months

Charge: Abusive Sexual Contact

Leroy Ami, 80, entered a plea of guilty to abusive sexual contact. The defendant admitted he engaged in sexual contact with a minor who was under 16. The offense was committed on the Hopi Indian Reservation and Ami is an enrolled member. He was sentenced to 27 months in federal custody followed by three years supervised release. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services.

UNITED STATES v. JUSTIN TRACY

210 Months

Charge: Aggravated Sexual Abuse

Justin Tully Tracy, 38, of Smoke Signal, Arizona, entered a guilty plea to aggravated sexual abuse of a ten year-old child and was sentenced to 210 months (seventeen and one-half years) in federal custody. Defendant Tracy, an officer ["roadman" or medicine man] in the Native American Church, was charged by federal grand jury indictment with multiple counts of aggravated sexual abuse on June 13, 2001. The investigation in this case was conducted by the Navajo Nation Department of Law Enforcement and the Federal Bureau of Investigation.

UNITED STATES v. BENJAMIN MANYGOATS

46 Months

Charge: Aggravated Sexual Abuse

Benjamin Manygoats plead guilty to sexually abusing a minor female on the Navajo Indian Reservation. Manygoats was sentenced to 46 months in prison and five years supervised release. The investigation was conducted by the Navajo Department of Law Enforcement.



CRIMINAL DIVISION

UNITED STATES v. RODOLFO GARCIA

Pending Sentencing

Charge: Aggravated Sexual Abuse & Abusive Sexual Contact

On March 25, 2003, Rodolfo Garcia was found guilty of three counts of Abusive Sexual Contact and one count of Aggravated Sexual Abuse of a Minor by a federal jury. The evidence at trial showed that the defendant molested a ten year old child on multiple occasions in 2001 including sexual intercourse. The defendant also threatened the child not to tell anyone about the molestations. Two other children, ages 12 and 13 at the time of the molestations, testified that the defendant molested them and made threats to hurt them if they told anyone. The investigation leading to the guilty verdict was conducted by the San Carlos Tribal Police and the Bureau of Indian Affairs Office of Law Enforcement Services. The defendant is awaiting sentencing.

UNITED STATES v. JOHN NORRIS

180 months

Charge: Aggravated Sexual Abuse

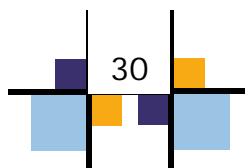
On September 26, 2002, John C. Norris, was found guilty of three counts of aggravated sexual abuse with a child under the age of twelve, by a federal jury. The evidence at trial showed that the defendant knowingly engaged in sexual acts with a five year old child over the course of several months. The defendant was sentenced to 180 months in federal custody followed by five years supervised release with conditions including registration as a sex offender. The investigation leading to the guilty verdict was conducted by the Tohono O'odham Nation Police Department and the Federal Bureau of Investigation.

UNITED STATES v. ALFONZO JUAN

60 Months

Charge: Aggravated Sexual Abuse

On July 1, 2003, Alfonzo Michael Juan, age 37, was sentenced to serve 60 months imprisonment. Juan entered a guilty plea to Aggravated Sexual Abuse arising from an attempted rape which took place on January 1, 2002 on the San Xavier District of the Tohono O'odham Indian Reservation in Arizona. On that date, Tohono O'odham police officers encountered the defendant and victim after hearing the victim crying for help. They pulled the defendant from her. The 60 month sentence will be followed by 60 months supervised release with sex offender conditions, including a one year term of residence in a halfway house and registration as a sex offender. The investigation in this case was conducted by Tohono O'odham Police Department and the Federal Bureau of Investigation.





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UNITED STATEX v. MARC TAPIJA

21 Months

Charges: Aggravated Sexual Abuse; Kidnapping

The defendant assaulted the victim by biting her several times on the face. He took her into a house and sexually assaulted her. The defendant pled guilty to Assault Resulting in Serious Bodily Injury and was sentenced to 21 months in the Bureau of Prisons. The investigation was conducted by the Yavapai-Prescott Tribal Police.

UNITED STATES v. JUVENILE

3 Years Probation

Charges: Aggravated Sexual Abuse; Abusive Sexual Contact
(Juvenile Delinquency)

The Juvenile repeatedly molested the female victim from the time she was five. She did not disclose until several months after the last incident. He pled guilty to Aggravated Sexual abuse. The defendant, who was 21 at the time of sentencing, was sentenced to three years probation and 180 days in a community corrections center. The investigation was conducted by the Federal Bureau of Investigation.

UNITED STATES v. EDISON TSOSIE

97 Months

Charges: Aggravated Sexual Abuse

The defendant had oral and anal sex with the daughters of his girlfriend. They disclosed immediately, but law enforcement was not notified for a few years. The defendant pled to Aggravated Sexual Abuse and was sentenced to 97 months in the Bureau of Prisons. The investigation was conducted by the Federal Bureau of Investigation.

UNITED STATES v. RANDALL SCHENALLY

97 Months

Charges: Aggravated Sexual Abuse

The defendant had anal sex with a three year old victim. He pled to Aggravated Sexual Abuse and was sentenced to 97 months in the Bureau of Prisons. The investigation was conducted by the Navajo Department of Law Enforcement.

UNITED STATES v. GLEN BURNSIDE

151 Months

Charges: Aggravated Sexual Abuse; Abusive Sexual Conduct

On several occasions, the defendant had forced sexual intercourse with his girlfriend's daughter. He pled to Aggravated Sexual Abuse and was sentenced to 151 months in the Bureau of Prisons. The investigation was conducted by the Federal Bureau of Investiga-



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tion.

UNITED STATES v. MERRICK SAM, SR.

33 Months

Charge: Assault with a Dangerous Weapon

On July 23, 2002 on the Colorado River Indian Reservation, Merrick Gene Sam Sr., assaulted his uncle with a knife following a verbal dispute about a deceased family member. The defendant stabbed the victim in the chest. The victim was briefly hospitalized. On March 24, 2003 he was sentenced to 33 months in prison. The defendant entered a plea of guilty to Assault with a Dangerous Weapon. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services.

MISCELLANEOUS

UNITED STATES v. LORRAINE LEWIS

30 Months

Charge: Conspiracy to Possess w/Intent to Distribute Marijuana

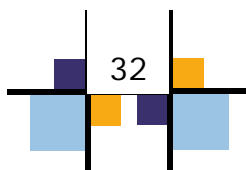
On April 11, 2003, Lorraine C. Lewis, of Sells, Arizona, was sentenced to 30 months in federal custody followed by 36 months supervised release. Lewis pled guilty to Conspiracy to Possess with Intent to Distribute 1,000 kilograms or more of marijuana. At that time, she admitted being involved with Ralph Pablo, and with her sons, Harrison Lewis and Darnell Encinas, in storing and transporting approximately 2,600 pounds of marijuana from Spring 2000, through July 2000. Encinas made arrangements with marijuana "backpackers" to unload and store marijuana at Ms. Lewis' residence on the Tohono O'odham Indian Reservation. From there, Ms. Lewis, her sons and their friend transported the marijuana to Tucson, Arizona. At least four times, Ms. Lewis personally participated in the deliveries to Tucson, and on another five occasions permitted Pablo, Harrison Lewis and/or Encinas to use her vehicle to transport the marijuana to Tucson. While Lewis was participating in drug trafficking, she was employed as a Jury Manager for the Tohono O'odham Justice Center, where she had worked since 1994. Lewis' employment was terminated after she was charged with these crimes. Pablo pled guilty to possession with intent to distribute 100 kg or more of marijuana. He was sentenced in September 2002, to 46 months in federal custody followed by 60 months of Supervised Release. Encinas' sentencing is set for July 23, 2003. The lengthy investigation by the United States Customs Service, Tohono O'odham Police Department, and Federal Bureau of Investigation.

UNITED STATES v. DOMINIC RAMOS, ET AL.

37 Months & Various

Charge: Distributing Cocaine

Defendant Ramos plead guilty to distributing cocaine on the San Carlos Indian Com-





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munity. Ramos, along with six others, engaged in distributing cocaine to an undercover Bureau of Indian Affairs Special Agent. Ramos was sentenced to 37 months imprisonment and three years supervised release. Sentences for the others involved ranged from prison to probation, depending on the extent of their individual involvement. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services and the San Carlos Police Department.

UNITED STATES v. JOHNNY CASSADORE, ET AL. *Various*
Charge: Distributing Cocaine

Cassadore pled guilty to distributing cocaine on the San Carlos Indian Community. Cassadore, and others, engaged in distributing cocaine to an undercover Bureau of Indian Affairs Special Agent. Sentences for Cassadore and the others included varying terms of probation, depending on the extent of their individual involvement. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services and the San Carlos Police Department.

UNITED STATES v. DARNELL ENCINAS *7 Years*
Charge: Possessing with Intent to Distribute

On July 24, 2003, Darnell Edward Encinas, of Sells, Arizona, was sentenced to seven years imprisonment, to be followed by five years of supervised release. On January 30, 2003, Encinas entered a plea of guilty to a charge of possessing with intent to distribute 100 kilograms or more of marijuana. The sentencing judge assessed the defendant responsible for the gun another person used to kill himself. The court noted the defendant possessed the weapon in connection with the drug trafficking offense; the gun was owned by the defendant; and the defendant supplied the gun to another person when he left the house to take a portion of the marijuana to Tucson and told the person to use the gun as protection should the "backpacker" who was guarding the marijuana in the other room give him any trouble. Instead, the individual shot himself with the gun. The investigation in this case was conducted by the Bureau of Immigration and Customs Enforcement (formerly U.S. Customs), Tohono O'odham Police Department and the Federal Bureau of Investigation.

UNITED STATES v. EMIL BATALA *60 Months Probation*
Charge: Possession With Intent to Distribute Cocaine

On the Hopi Reservation (Village of Polacca), Emil Stewart Batala sold two bindles of methamphetamine and three bindles of cocaine to two undercover Bureau of Indian Affairs Special Agents. A search warrant was executed at Batala's home the next day and additional methamphetamine, cocaine and marijuana were seized for a total (sold and seized) of



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2.04g of methamphetamine, 1.51g of cocaine and 145.22g of marijuana. Batala was also charged in Hopi Tribal Court for various violations of tribal law. On February 4, 2003, he pled to 21 U.S.C. § 841(a)(1), possession with intent to distribute methamphetamine and was sentenced on June 20, 2003 to 60 months probation. Batala was initially released pending trial but his release was revoked due to his arrest for public intoxication and resisting arrest on March 29, 2003, and was in custody from April 18, 2003 until his sentencing. All together, he served 110 days prior to sentencing. The investigation was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services.

UNITED STATES v. ALLEN BURNS

46 Months

Charge: Arson

Burns set fire to the Salt River Department of Corrections Facility while he was being held as an inmate of that facility, placing the lives of other inmates and correctional officers in jeopardy. The defendant pled guilty to Arson, and was sentenced to 46 months imprisonment and five years supervised release. The investigation was conducted by the Salt River Pima-Maricopa Police Department.

UNITED STATES v. SARAH ANN BEGAYE

5 Years Probation

Charges: Embezzlement & Theft from a Tribal Organization

Sarah Ann Begaye was charged with and pled guilty to one felony count of Theft from a Tribal School in violation of Title 18 U.S.C § 1163. She admitted that from January 1997 through the end of 1998 she had been employed at the Pinon Community School, Pinon, Arizona, on the Navajo Indian Reservation, as a Residential Program Assistant. During that time she forged nine blank payroll checks, totaling \$26,742, and converted the proceeds to her own use. On March 31, 2003, the defendant was sentenced to five years probation. As conditions of her probation, the defendant was ordered to pay restitution to the school district in the amount of \$26,742, pay a special assessment of \$100 and to appear in Mesa, Arizona, Municipal Court to resolve an outstanding shoplifting warrant. The investigation in this case was conducted by the Federal Bureau of Investigation.

UNITES STATES v. KELLY NOTAH

3 Years Probation

Charge: False Statements

The defendant was a girlfriend to a man who kidnapped and murdered a victim on the Gila River Indian Reservation. During interviews, the defendant repeatedly lied to law enforcement regarding what she knew about the kidnapping and murder. The defendant pled guilty to False Statements and was sentenced to 3 years probation. The investigation was conducted by the Gila River Police Department and the Federal Bureau of Investigation.



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UNITED STATES v. VINCENT MANUEL

Pending

Charge: Robbery

The defendant forcibly robbed the victim of her vehicle. He pled guilty to Robbery and is pending sentencing. The investigation was conducted by the Gila River Police Department and the Federal Bureau of Investigation.

PROBATION/SUPERVISED RELEASE VIOLATIONS

UNITED STATES v. RICHARD GEORGE STANDING ELK *6 Months*

Charge: Abusive Sexual Contact

This 18 year-old defendant was charged with the sexual touching of his 5 year-old cousin. The defendant pled guilty to Abusive Sexual Contact and was sentenced to 12 months prison. He thereafter violated his conditions of supervised release and was sent back to prison for an additional six months. The investigation was handled by the Navajo Nation Department of Law Enforcement.

UNITED STATES V. ARNOLD NEWMAN

14 Months

Charges: Involuntary Manslaughter

In February 1998, the defendant was sentenced to serve 12 months in federal custody for involuntary vehicular manslaughter. The original offense occurred after the defendant lost control of his vehicle and crashed after drinking on the San Carlos Apache Indian Reservation. A passenger, the defendant's brother, was killed as a result of the crash. In October 1999, the defendant was found to have violated the terms of his supervised release and was sentenced to serve ten additional months in Bureau of Prisons custody. In July 2002, the defendant was found to have violated the terms of his supervised release for the second time and was sentenced to serve 14 additional months in federal custody. The defendant has now been sentenced to the statutory maximum of imprisonment for violations of his terms of supervised release. The investigation in this case was conducted by the Bureau of Indian Affairs Office of Law Enforcement Services and the United States Probation Office.

UNITED STATES v. MICHAEL MATTIAS

6 Months

Charge: Sexual Abuse of a Minor

Mattias was convicted of the sexual abuse of a 14 year old female cousin, and was sentenced to 12 months and one day imprisonment, followed by three years supervised re-



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lease. Defendant's term of supervised release began on February 26, 2003. He was placed in a halfway house as a condition of his release. He was terminated from the facility on March 10, 2003, due to touching a female resident on the buttocks, and writing a letter to her asking her to tell the staff he had not touched her, and by entering a female's dorm room. A petition to revoke his supervised release was filed, defendant admitted the violation. On April 25, 2003, defendant's supervised release was revoked and he was sentenced to an additional term of six months imprisonment to be followed by another 30 months of supervised release. Upon release, he is to serve an additional 180 days at a half way house and abide by sex offender conditions.

UNITED STATES v. MARTIN CAPONE

49 Months

Charge: Murder

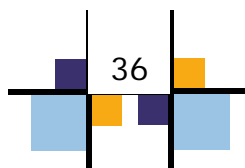
Martin Capone was convicted of second degree murder on July 30, 1990 for killing his wife. He was sentenced to ten years imprisonment and five years supervised release. On August 8, 2001, a petition to revoke his supervised release was filed alleging the use of alcohol and driving while under the influence of alcohol. Defendant admitted the allegations. On October 29, 2001, his release was revoked and he was sentenced to an additional term of eleven months imprisonment. He was ordered to serve an additional 48 months of supervised release. He was ordered to consume no alcohol and to participate in substance abuse testing and treatment to help him address his 40 year history of substance abuse. He was released from custody on July 12, 2002 and began to serve the new term of supervised release. On Sept. 30, 2002, Capone used cocaine. On October 11, 2002, he was seen by a probation officer drinking from a can of beer and admitted he had been consuming beer since early in the afternoon. On October 15, 2002, he agreed to enroll in a residential substance abuse treatment program. Meanwhile, he used cocaine again on November 25, 2002. On December 6, 2002, he was placed at Native American Connections and completed the treatment program on January 17, 2003. On March 19, 2003, he was observed by a Department of Public Safety officer driving and weaving, almost hitting another car. The officer stopped the defendant's vehicle, observed symptoms of intoxication and administered a blood alcohol breath test. The defendant's blood alcohol content was .181, although he denied drinking. A petition to revoke his supervised release was filed, he admitted these allegations. On May 19, 2003, his supervised release was revoked and he was sentenced to serve the maximum penalty, an additional term of 49 months imprisonment. No further supervised release term was imposed.

UNITED STATES v. FREEMAN JOHNSON

24 Months

Charge: Abusive Sexual Contact

Freeman Johnson was charged and convicted of abusive sexual contact for touching





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the vaginal area of an 8 year old girl with the intent to arouse or gratify his sexual interest. On October 29, 2002, Defendant plead guilty and admitted he touched this victim between July 1997 and July 1998. On March 31, 2003, he was sentenced to 24 months imprisonment to be followed by 36 months of supervised release. He was ordered to comply with sex offender conditions. Additional charges of abusive sexual contact with the victim and aggravated sexual abuse involving another victim were dismissed. This case was investigated by FBI Agent Craig Roos, and Tohono O'odham Police.

UNITED STATES v. JENNIFER MIGUEL

72 Months

Charge: Manslaughter

On September 8, 1999, defendant Jennifer Miguel was charged with the second degree murder of her two year old son. The defendant's two year old son died in February 1999 from malnutrition, and suffered from physical abuse. Over a four-month period, the victim went from being a healthy chubby child, nicknamed "Gordo," to an emaciated skeleton-like victim. The victim was left in soiled diapers long enough that his tissue became necrotic. He also had bruises to his ears. The defense presented the testimony of a nationally known expert on post traumatic stress disorder who testified that the defendant was unable to appreciate the nature of her conduct. On May 2, 2002 she plead guilty to Involuntary Manslaughter, a lesser included offense of Second Degree Murder. On September 30, 2002, she was sentenced to 72 months imprisonment, the maximum statutory time. Upon her release, she was ordered to serve three years supervised release. Her conditions include payment of restitution for the child's burial expenses of \$1,148.00 to the Pascua Yaqui Tribe. Defendant is to serve up to 180 days at a halfway house, have no contact with children under six years of age, participate in mental health programs and complete parenting classes. She was ordered to participate in substance abuse treatment and abstain from the use of alcoholic beverages and intoxicants. She was also ordered to support her dependents and meet other family responsibilities. This case was investigated by the Federal Bureau of Investigation, Bureau of Indian Affairs, and Pascua Yaqui Police Department.

UNITED STATES v. FRANCISCO JAVIER VALENZUELA

Pending/Fugitive

Charge: Misprision of a Felony

This defendant is the father of Jennifer Miguel's 2 year-old son. He was not a custodial parent, but had contact with the victim and with Jennifer Miguel during time the victim was deprived of food and medical attention leading to his death. On February 20, 1999, he was arrested and detained. On March 24, 1999, he was indicted for voluntary manslaughter involving the death of the 2 year-old child. On June 6, 2002, he plead guilty to Misprision of a Felony, for having knowledge of a felony, concealing and not making known to authorities the crime. On August 27, 2002, he was sentenced to time served, placed on supervised re-



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lease for one year, ordered to reside at a halfway house for one year, have no contact with children under six years of age, abstain from the use of alcohol, participate in mental health program and parenting program. He was also ordered to make restitution for the victim's burial expenses to the Pascua Yaqui Tribe of \$1,148.00. On November 1, 2002, a petition to revoke his supervised release was filed. On November 14, 2002, a waiver and order was filed directing him to participate in sex offender risk assessment. On July 10, 2003 Valenzuela absconded from the halfway house, a petition to revoke his supervised release was filed. A warrant was issued for his arrest on July 28, 2003. He remains a fugitive. This case was investigated by the Federal Bureau of Investigation, Bureau of Indian Affairs, and Pascua Yaqui Police Department.